S.B.CIVIL TRANSFER PETITION NO.30/2005

Smt. Seema vs. Ram Niwas.

DATE OF ORDER ::: 7.8.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. RS Choudhary, for the petitioner.

Mr. S Saraswat, for the respondent.

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Heard learned counsel for the parties.

The petitioner, wife of the respondent, has moved this petition for transfer of the Civil Misc. Case No.262/2005 filed by the respondent under Section 9 of the Hindu Marriage Act and which is pending in the Family Court, Jodhpur.

The petitioner is a resident of small Village Tankala, P.S. Khinvsar, District Nagaur. According to the petitioner, the dispute arose between the parties a short period after the marriage and there are serious allegations of cruelty and demand of dowry. It is also alleged that the petitioner was given severe beating and she was thrown out of her matrimonial house. She lodged FIR No.95/2005 under Sections 498A, 406 and 323 IPC. Cognizance has been taken against the respondent. Thereafter, the respondent has filed the petition under Section 9 of the Hindu Marriage Act. According to the petitioner, she is a young lady and it is not possible for her to travel to Jodhpur which is at a distance of 120 kms. It is also submitted that criminal

case is pending at Nagaur against the respondent for which he has to attend the Court. Therefore, it is prayed that the petition filed by the respondent be transferred to the Court at Nagaur.

It will be worthwhile to mention here that this Court in the interest of justice directed to place the transfer petition before the Lok Adalat so that in case, there is any possibility of settlement between the parties, the matter may be resolved but in view of the proceedings taken before the Lok Adalat dated 28.5.2006, it is clear that both the parties were not agreeable for any settlement.

Having regard to the facts of the case, it will be appropriate that the petition filed by the respondent be transferred.

In view of the above, this transfer petition is allowed, the Civil Misc. Case no.262/2005 (Ram Niwas vs. Smt. Seema) filed by the respondent pending in the Family Court, Jodhpur is hereby withdrawn and is transferred to the Court of Additional District Judge, Nagaur for deciding the same in accordance with law.

Both the parties are directed to remain present before the Court of Additional District Judge, Nagaur on 4.9.2006.

(PRAKASH TATIA), J.

S.Phophaliya